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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,195	08/21/2006	Bernhard Lettmann	PAT-01164	1062
77224	7590	07/14/2009		
Mary E. Golota Cantor Colburn LLP 201 W. Big Beaver Road Suite 1101 Troy, MI 48084			EXAMINER SALVITTI, MICHAEL A	
			ART UNIT 1796	PAPER NUMBER
			NOTIFICATION DATE 07/14/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## **ADVISORY ACTION**

### ***Response to Amendment***

The proposed amendments will not be entered, as they would require new search and consideration. The newly proposed limitation requiring binder (A) in component (I) being different than the binder (A) in component (III) has not been previously presented. As such, the proposed amendment would require a new search and consideration.

### ***Response to Arguments***

Applicant's arguments filed June 26, 2009 have been fully considered but they are not persuasive, because:

A) In response to the applicants' arguments of anticipation by *Fiori* under 35 U.S.C. §102(b) (section 3 of the arguments, pages 8-9):

The applicant argues that because *Fiori* does not recite a mixture of components (I), (II) and (III), claims 1-2 and 13-18 are not anticipated. *Fiori* explicitly teaches a multicomponent system containing the equivalents of (I) col. 11, lines 45-55) and (II) (col. 18, line 38). The equivalent composition of (III) in *Fiori* is obtained *in situ* by mixing component I with water (col. 18, lines 40-45). The resulting mixture taught by *Fiori*, after addition of water, has the same final composition as the instant claimed invention. The subject matter of claims 1-2 are drawn to a composition (which is taught by *Fiori*), and claims 13-18 are drawn to methods of using the composition which depend upon claim

1; these claims have been examined as a having identical composition as the resultant diluted composition of *Fiori*. Evidence to show differences between the prior art and the claimed invention has not been made of record. Amendments to the claims as presented herein will require a new search and further consideration.

B) In response to the applicants' arguments of obviousness by *Fiori* under 35 U.S.C. §103(a) (section 4 of the arguments, pages 9-10):

The applicant argues that it is not possible to generate component (I) from component (III). This limitation has been added in the new amendment which has not been considered in this action; as such will a new search and further consideration will be required for the amended limitations.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL A. SALVITTI whose telephone number is (571)270-7341. The examiner can normally be reached on Monday-Thursday 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. S./  
Examiner, Art Unit 1796

/David Wu/

Supervisory Patent Examiner, Art Unit 1796